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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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MEETING OF THE STATES PARTIES TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Sixth Meeting

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 November 1997, at 10.30 a.m.

Temporary Chairman: Mr. ZACKLIN (Acting Deputy High Commissioner for Human Rights)

Chairman: Mr. KAM (Panama)

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The meeting was called to order at 10.45 a.m.

OPENING OF THE MEETING BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL OF THE UNITED NATIONS (item 1 of the provisional agenda)

1. The TEMPORARY CHAIRMAN declared open the Sixth Meeting of the States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on behalf of the High Commissioner for Human Rights. Since the Fifth Meeting of the States Parties on 29 November 1995, the number of ratifications of or accessions to the Convention had increased from 91 to 104. Although that was a matter for satisfaction and reflected the international community's continuing interest in advancing the goals and objectives of the Convention, there was still some way to go towards the goal of universal ratification. Nevertheless, it was a pleasure to welcome the representatives of the new States parties participating in the Meeting for the first time.

2. The Committee against Torture had been established by the States parties in November 1987, in accordance with article 17 of the Convention, and to date had held 19 sessions since its first meeting in April 1988. In the four sessions since the last Meeting of the States Parties in 1995, the Committee had considered reports submitted by 25 States.

3. The Committee had also pursued its work relating to confidential inquiries under article 20 of the Convention and had considered communications submitted under article 22. Under article 20, the Committee was empowered to establish confidential inquiries if it received reliable information that torture was practised systematically in a State party; and, under article 22, it was empowered to examine individual complaints alleging violations of the Convention by a State party. Both procedures were optional and could be applied to States parties which had accepted them. To date, the Committee had concluded two inquiries and had made public their results. It had also received more than 90 individual complaints of violations of the Convention. In that regard, it was to be noted that the Committee's activities under both the State reporting and the confidential procedures had increased significantly during the past five years. The Committee had therefore requested the General Assembly through the Secretary-General that, starting in 1998, its spring sessions should be extended by one week to cope with the increasing complexity of its work and operations. Furthermore, the Committee had been pursuing its efforts to strengthen cooperation and coordination with the Special Rapporteur on torture appointed by the Commission on Human Rights, with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture and with the European Committee for the Prevention of Torture (CPT). In addition, it had considered such other matters as the improvement of its methods of work, as a result of which it had amended some of its rules of procedure; and the question of a draft optional protocol to the Convention, which was being considered by an open-ended working group of the Commission on Human Rights.

4. The current Meeting of the States Parties had been convened in order to elect five members of the Committee against Torture to replace those whose terms of office would expire on 31 December 1997. In a note verbale dated 24 June 1997 the Secretary-General had invited the States parties to nominate

candidates for election by 24 September 1997. A list of candidates, indicating the States parties nominating them, was contained in document CAT/SP/21 and Corr.1. The names of the five members whose terms of office expired on 31 December 1997 and of the five members who would continue to serve until 31 December 1999 were given in its annexes I and II, respectively. Biographical data on the candidates, as furnished by the States parties concerned, were to be found in annex III. An updated list of the States parties to the Convention was also available.

5. On the financing of the activities envisaged under the Convention, on 9 September 1992, a conference of States parties had been held in accordance with the procedure set out in article 29 of the Convention and had adopted amendments to include the financing of activities under the Convention in the regular budget of the United Nations. Those amendments had subsequently been endorsed by the General Assembly in its resolution 47/111 and the Convention had been financed by the regular budget since 1 January 1994. However, the amendments would formally enter into force only after they had been accepted by two-thirds of the States which had been parties to the Convention at the time when the amendments had been adopted, i.e. 45 States. To date, only 20 States parties had notified the Secretary-General of their acceptance of the amendments. He therefore reminded all States parties that appropriate actions were required in order to bring the amendments into effect, thereby aligning the Convention with the General Assembly decision.

ELECTION OF THE CHAIRMAN (item 2 of the provisional agenda)

6. Mr. ZAHRAN (Egypt) nominated Mr. Kam (Panama) for the office of Chairman.

7. Mr. SABOIA (Brazil) and Mr. SOMOL (Czech Republic) supported Mr. Zahran's proposal.

8. Mr. Kam (Panama) was elected Chairman by acclamation and took the Chair.

9. The CHAIRMAN said that his election was not only a great personal honour, but also, more importantly, an honour to his country and a recognition of its constant efforts to defend and promote human rights and fundamental freedoms. It was 10 years to the day since the First Meeting of the States Parties had been held and, in that time, the number of ratifications or accessions to the Convention had grown from 26 to 104. While that fourfold increase was to be welcomed, it still fell far short of the goal of universal ratification of all human rights instruments to which all those present aspired. Condemnation and rejection of torture were universal and that unanimity should be reflected, not only by universal accession to the Convention, but also by full compliance with all of its provisions. He urged the international community to redouble its efforts to achieve that noble twofold goal as soon as possible, with a view to eradicating the abhorrent practice of torture before the dawn of the new millennium.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (CAT/SP/20)

10. The CHAIRMAN said that, if there was no objection, he would take it that the Meeting of the States Parties wished to adopt the provisional agenda (CAT/SP/20).

11. It was so decided.

12. The CHAIRMAN said that, in accordance with rules 2 and 3 of the rules of procedure of the Meeting of the States Parties adopted by the States parties at their First Meeting on 26 November 1987 (CAT/SP/2/Rev.1), the Secretary-General, in his note of 24 October 1997, had invited the States parties to send representatives to the Sixth Meeting and to forward to him, as soon as possible and in any case no later than one week before the date of the Meeting, the credentials of their representatives. The Secretary-General had yet to receive proper credentials from some of the States parties represented at the Meeting. He proposed that, in accordance with rule 3, the representatives of those States parties should be entitled provisionally to participate in the Meeting and he urged them to ensure that their credentials were submitted to the Secretary-General as soon as possible.

13. It was so decided.

ELECTION OF OTHER OFFICERS OF THE MEETING (agenda item 4)

14. The CHAIRMAN said that, under rule 4 of the rules of procedure, the Meeting was required to elect one to four vice-chairmen from among the representatives of the States parties. At the Fifth Meeting, the States parties had decided to elect only one vice-chairman. He proposed that, if there was no objection, they should again elect only one vice-chairman at the present Meeting.

15. It was so decided.

16. Mr. van RIJSSEN (Netherlands) nominated Mr. Höynck (Germany) for the office of Vice-Chairman.

17. Mr. Höynck (Germany) was elected Vice-Chairman by acclamation.

ELECTION OF FIVE MEMBERS OF THE COMMITTEE AGAINST TORTURE TO REPLACE THOSE WHOSE TERMS OF OFFICE WILL EXPIRE ON 31 DECEMBER 1997, IN ACCORDANCE WITH ARTICLE 17, PARAGRAPHS 1 TO 5, OF THE CONVENTION: NOTE BY THE SECRETARY-GENERAL (agenda item 5) (CAT/SP/21 and Corr.1)

18. The CHAIRMAN said that, under article 17 of the Convention, States parties were required to elect five members of the Committee against Torture to replace those whose terms expired on 31 December 1997. The five members would be elected from a list drawn up by States parties and would serve for a term of four years beginning on 1 January 1998.

19. The names of the candidates nominated by the States parties were contained in document CAT/SP/21 and Corr.1. Annex I to document CAT/SP/21 contained the names of the five members of the Committee whose terms were due

to expire on 31 December 1997 and annex II contained the names of the five members who would continue to serve on the Committee until 31 December 1999. Biographical data of the persons nominated, as furnished by the States parties concerned, appeared in annex III to that document.

20. At the invitation of the Chairman, Mr. Kestoras (Cyprus) and Ms. Schiefermair (Austria) acted as tellers.

21. A vote was taken by secret ballot.

The meeting was suspended at 11.25 a.m. and resumed at 12.15 p.m.

22. The CHAIRMAN announced the results of the ballot, which were:

Number of ballot papers:	83
Invalid ballots:	0
Number of valid ballots:	83
Abstentions:	0
Number of representatives voting:	83
Required majority:	42
Number of votes obtained:	
Mr. Farkhad S. ABDOULLAEV (Azerbaijan):	10
Mr. Mohammed Abdullah AL-ANSARI (Kuwait):	12
Mr. Levan ALEXIDZE (Georgia):	5
Mr. Joseph BRINCAT (Malta):	23
Mr. Arsène CAPO-CHICHI (Benin):	3
Mr. Alexis DIPANDA MOUELLE (Cameroon):	34
Mr. Sayed Kassem EL MASRY (Egypt):	43
Mr. Piotr HOFMANSKI (Poland):	42
Mr. Bhogendra SHARMA (Nepal):	21
Mr. Antonio SILVA HENRIQUES GASPAR (Portugal):	47
Mr. Bent SØRENSEN (Denmark):	61
Mr. Alexander YAKOVLEV (Russian Federation):	47
Mr. YU Mengja (China):	43
Mr. Abdelkébir ZEROUAL (Morocco):	22

23. Having obtained the required majority and the largest number of votes, Mr. El Masry (Egypt), Mr. Silva Henriques Gaspar (Portugal), Mr. SØRENSEN (Denmark), Mr. YAKOVLEV (Russian Federation) and Mr. YU (China) were elected members of the Committee for a four-year term beginning 1 January 1998.

24. The CHAIRMAN congratulated the newly elected members.

OTHER MATTERS (agenda item 6)

25. Mr. NORBERG (Sweden), speaking also on behalf of Austria, Canada, Denmark, Finland, France, Germany, Italy, Luxembourg, Norway, Portugal and Switzerland, said he regretted that the Convention had significantly fewer ratifications than other human rights conventions and that the message of the World Conference on Human Rights encouraging universal ratification had not been heeded. In addition, only a minority of States parties had accepted the optional procedures under articles 21 and 22 of the Convention, enabling the Committee to consider complaints against States parties.

26. It was of the utmost importance that highly qualified and independent candidates should continue to serve on the Committee and that the Committee was given enough resources to fulfil its mandate satisfactorily. It was valuable that several members had served as judges and were familiar with legal proceedings and basic rules of evidence; Sweden also valued the inclusion of Committee members with experience in the medical field.

27. Sweden attached great importance to the work on a draft optional protocol to the Convention, by which a new subcommittee of a preventive character would be established with a mandate to visit places of detention in order to propose measures to raise the level of protection of detained persons in situations where they were most vulnerable and exposed to torture and other ill-treatment.

28. Mr. VIGNY (Switzerland) said the draft optional protocol, the idea for which had arisen out of a 1992 initiative by Costa Rica and Switzerland, would establish a mechanism for the prevention of torture by setting up a committee of independent experts who could visit people held in detention by the authorities at any time and in any place. Such a preventive mechanism would supplement the efforts of the international community in the field of preventive diplomacy. It would make it possible to anticipate practices of torture and ill-treatment and to realize the right to physical integrity before, and not just after, potential violations. Its function was not to denounce violations, but to prevent them, in particular by ensuring that conditions of detention did not lead to violations. The mechanism would lay the groundwork for close cooperation between the competent authorities of the countries visited and the members of the Committee, thereby constituting a confidence-building measure. The Committee's recommendations would in principle be confidential and its objective would be not to expose a State to public condemnation, but to offer it advisory services and technical assistance in combating torture. The Committee should adopt the draft protocol as soon as possible, preferably in 1998, the fiftieth anniversary of the Universal Declaration of Human Rights.

The meeting rose at 12.30 p.m.